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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/643,601 | HIND ET AL. | |
| | Examiner | Art Unit | |
| | JOSHUA JOO | 2454 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

***Detailed Action***

This Office action is in response to Applicant's communication filed on 05/26/2009.

Claims 1-20 are pending for examination.

**Response to Arguments**

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment.

Rejection of claims 9-12 under 35 U.S.C. 101 in the Office action filed on 02/23/2009 is withdrawn in view of Applicant's amendment.

**Specification**

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. For example, see Applicant's specification, paragraph 0034. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 7, 9-14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnargy et al. US Patent #7,058,633 (Gnargy hereinafter), in view of Serena, US Patent #6,912,571 (Serena hereinafter).

As per claim 1, Gnargy teaches the invention as claimed including a method, in a markup language document delivery system, for circumventing the operation of content blocking logic in a markup language document delivery system, the method comprising the steps of:

locating in markup a reference to content (col. 7, lines 51-59. Recognize URL from returned Web page.);

replacing in said markup said reference with an alias (col. 7, lines 59-62. Replace URL with URL having an arbitrary domain.); and,

serving said markup to a requesting browser; whereby said replacement with said alias circumvents the operation of said content blocking logic (col. 7, lines 62-66. By using an arbitrary domain, the URL filters are circumvented.).

Gnargy teaches of determining operation of content block logic but does not specifically teach of determining the operation of content blocking logic connected to a browser within a client device.

Serena teaches of determining operation of content blocking logic connected to a browser within a client device (col. 5, line 66-col.6, line 5; col. 6, lines 29-47. Receive indication of blocked content. Browser.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine the operation of content blocking logic connected to a browser within a client device. The motivation for the suggested combination is that Serena's teachings would improve Gnargy's teachings by enabling observations of users and transmission of replacement content based on observed user actions.

As per claim 9, Gnargy teaches substantially the invention as claimed including a computer hardware markup language document delivery system for circumventing the operation of content blocking logic in a markup delivery system, the system comprising:

variable aliasing logic responsive to said detecting logic, said variable aliasing logic having a configuration for replacing content references in markup with aliases for said references (col. 7, lines 59-62. Replace URL with URL having an arbitrary domain.).

Gnargy does not specifically teach detection logic for detecting content blocking logic connected to a browser within a client device.

Serena teaches of determining the operation of content blocking logic connected to a browser within a client device (col. 5, line 66-col.6, line 5; col. 6, lines 29-47. Receive indication of blocked content. Browser.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine the operation of content blocking logic connected to a browser within a client device. The motivation for the suggested combination is that Serena's teachings would improve Gnargy's teachings by enabling observations of users and transmission of replacement content based on observed user actions.

As per claim 13, Gnargy teaches substantially the invention as claimed including a machine readable storage having stored thereon a computer program for circumventing an operation of content blocking logic, the computer program comprising a set of instructions for causing a computer hardware markup language document delivery system to perform the steps of:

locating within markup a reference to content (col. 7, lines 51-59. Recognize URL from returned Web page.);

replacing in said markup said reference to said content with an alias (col. 7, lines 59-62. Replace URL with URL having an arbitrary domain.); and,

serving said markup to a requesting browser; whereby said replacement of said reference with said alias circumvents the operation of said content blocking logic (col. 7, lines 62-66. By using an arbitrary domain, the URL filters are circumvented.).

Gnargy does not specifically teach of determining the operation of content blocking logic connected to a browser within a client device.

Serena teaches of determining the operation of content blocking logic connected to a browser within a client device (col. 5, line 66-col.6, line 5; col. 6, lines 29-47. Receive indication of blocked content. Browser.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine the operation of content blocking logic connected to a browser within a client device. The motivation for the suggested combination is that Serena's teachings would improve Gnargy's teachings by enabling observations of users and transmission of replacement content based on observed user actions.

As per claim 2, Gnargy teaches the method of claim 1, further comprising the steps of: subsequent to said serving step, replacing said alias with a new alias; and, serving said markup with said new alias to the requesting browser (col. 7, lines 42-45; col. 8, lines 65-67. User request web content. It is implied that a user can request other web pages and thus receive other arbitrary URLs.).

As per claim 7, Gnargy teaches the method of claim 1, wherein said replacing step comprises the steps of: formulating said alias from said reference; and, replacing said reference with said alias (col. 8, lines 4-15. Arbitrary name is made close to URL. U1XXYZ to U1XXZY.).

As per claim 10, Gnargy teaches the system of claim 9, wherein said variable aliasing logic is communicatively coupled to a reverse proxy (col. 9, lines 33-35. System translates false domain into real domain name.).

As per claim 11, Gnargy teaches the system of claim 9, further comprising an alias table comprising a plurality of entries, each entry correlating an alias with corresponding content (col. 7, lines 47-55; col. 8, lines 64-67. Recognize domain names of advertisers.).

As per claim 12, Gnargy teaches the system of claim 9, further comprising:

an address encoder having logic for producing an encoded string based upon at least a portion of a reference (col. 8, lines 4-15. Create domain name similar to actual domain name.);

a simulated path formulator coupled to said encoder, said formulator having a configuration for generating a simulated path to supplemental content (col. 9, lines 5-9. Use false IP address); and,

a translation table configured to store said simulated path and at least a portion of said reference (col. 9, lines 15-17. Table with arbitrary name and corresponding actual domain name.).

As per claim 14, Gnargy teaches the machine readable storage of claim 13, further comprising the steps of: subsequent to said serving step, replacing said alias with a new alias; and, serving said markup with said new alias to a requesting browser (col. 7, lines 42-45; col. 8, lines 65-67. User request web content. It is implied that a user can request other web pages and thus receive other arbitrary URLs.).

As per claim 19, Gnargy teaches the machine readable storage of claim 13, wherein said replacing step comprises the steps of: formulating said alias from said reference; and, replacing said

reference with said alias (col. 8, lines 4-15. Arbitrary name is made close to URL. U1XXYZ to U1XXZY.).

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnargy and Serena, in view of Lambert et al. US Publication #2006/0248452 (Lambert hereinafter).

As per claim 3, Gnargy teaches the method of claim 2, wherein said new alias is selected from a set of aliases (col. 9, lines 5-7. Use IP address from pool of addresses) but not specifically in a round-robin manner.

Lambert teaches of selecting in a round-robin manner (Paragraphs 0102, 0171).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for selecting of a new alias from a set of alias as taught by Gnargy to be in a round robin manner as taught by Lambert. The motivation for the suggested combination is that Lambert's teachings would improve the suggested system by providing an ordered method of selecting the alias. Furthermore, Lambert's teachings would provide control of redirections and increased visibility of web sites (Paragraph 0003).

As per claim 15, Gnargy teaches the machine readable storage of claim 14, wherein said new alias is selected from a set of aliases (col. 9, lines 5-7. Use IP address from pool of addresses) but not specifically in a round-robin manner.

Lambert teaches of selecting in a round-robin manner (Paragraphs 0102, 0171).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for selecting of a new alias from a set of alias as taught by Gnargy to be in a round robin manner as taught by Lambert. The motivation for the suggested combination is that Lambert's teachings would improve the suggested system by providing an ordered method of selecting

the alias. Furthermore, Lambert's teachings would provide control of redirections and increased visibility of web sites (Paragraph 0003).

Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnargy and Serena, in view of Schumacher, US Patent #7,444,369 (Schmacher hereinafter).

As per claim 4, Gnargy does not specifically teach the method of claim 1, further comprising the steps of: inserting a refresh tag in said markup to command a refreshing of said markup within a shortened period of time; and, performing said locating, replacing and serving steps with a new alias subsequent to said refreshing.

Schumacher teaches of inserting a refresh tag in a markup to command a refresh of the markup within a shorten period of time and providing a new alias subsequent to the refresh (col. 4, lines 2-11. Refresh tag. Respond with second URL.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to insert a refresh tag in a markup to command a refresh of the markup within a shorten period of time and provide a new alias subsequent to the refresh as taught by Schumacher such that the new alias undergoes said locating, replacing, and serving as taught by Gnargy. The motivation for the suggested combination is that Schumacher's teachings would improve the suggested system by enabling automatic retrieval of updated content.

As per claim 16, Gnargy does not specifically teach the machine readable storage of claim 13, further comprising the steps of: inserting a refresh tag in said markup to command a refreshing of said markup within a shortened period of time; and, performing said locating, replacing and serving steps with a new alias subsequent to said refreshing.

Schumacher teaches of inserting a refresh tag in a markup to command a refresh of the markup within a shorten period of time and providing a new alias subsequent to the refresh (col. 4, lines 2-11. Refresh tag. Respond with second URL.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to insert a refresh tag in a markup to command a refresh of the markup within a shorten period of time and provide a new alias subsequent to the refresh as taught by Schumacher such that the new alias undergoes said locating, replacing, and serving as taught by Gnargy. The motivation for the suggested combination is that Schumacher's teachings would improve the suggested system by enabling automatic retrieval of updated content.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnargy and Serena, in view of Koeppel et al. US Patent #6,447,575 (Koeppel hereinafter).

As per claim 5, Gnargy and Serena teach of determining that content blocking has occurred. Gnargy and Serena do not specifically teach the method of claim 1, wherein said determining step comprises the steps of: tracking a number of references to content disposed in said markup; further tracking a number of requests for content produced when rendering said markup; and, determining that content blocking has occurred when a difference between said references and said requests exceeds a threshold value.

Koeppel teaches of tracking a number of references to content disposed in a markup; tracking a number of requests for content produced when rendered said markup and determining a difference between said references and said requests (col. 3, lines 9-22. Determine whether sufficient number of "click through" have been produced).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to track a number of references to content disposed in a markup; track a number

of requests for content produced when rendered said markup and determine a difference between said references and said requests as taught by Koeppel to determine that content block has occurred as taught by the suggested system. The motivation for the suggested combination is that Koeppel's teachings would improve the suggested system by collecting information in order to present appropriate advertisement to a user.

As per claim 17, Gnargy and Serena teach of determining that content blocking has occurred but do not specifically teach the machine readable storage of claim 13, wherein said determining step comprises the steps of: tracking a number of references to content disposed in said markup; further tracking a number of requests for content produced when rendering said markup; and, when a difference between said references and said requests exceeds a threshold value.

Koeppel teaches of tracking a number of references to content disposed in a markup; tracking a number of requests for content produced when rendered said markup and determining a difference between said references and said requests (col. 3, lines 9-22. Determine whether sufficient number of "click through" have been produced).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to track a number of references to content disposed in a markup; track a number of requests for content produced when rendered said markup and determine a difference between said references and said requests as taught by Koeppel to determine that content block has occurred as taught by the suggested system. The motivation for the suggested combination is that Koeppel's teachings would improve the suggested system by collecting information in order to present appropriate advertisement to a user.

Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnargy and Serena, in view of Trubey et al. US Publication #2002/0077930 (Trubey hereinafter).

As per claim 6, Gnargy and Serena teach of determining that content blocking has occurred. Gnargy and Serena do not specifically teach the method of claim 1, wherein said determining step comprises the steps of: statistically tracking instances of served content; and, determining that content blocking has occurred when a particular one of said served content has not been served as often as indicated by said statistical trackings.

Trubey teaches of statistically tracking instances of served content and determining when a particular one of said served content has not been served as often as indicated by said statistical trackings (Paragraph 0168. Click-through rate is below historical click through rate.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine that content block has occurred as taught by the suggested system when a particular one of said served content has not been served as often as indicated by said statistical trackings as taught by Trubey. The motivation for the suggested combination is that Trubey's teachings would improve the suggested system by providing statistics and status to assist a merchandiser in selecting pages to merchandise (Paragraph 0161).

As per claim 18, Gnargy and Serena teach of determining that content block has occurred but do not specifically teach the machine readable storage of claim 13, wherein said determining step comprises the steps of: statistically tracking instances of served content; and, determining when a particular one of said served content has not been served as often as indicated by said statistical trackings.

Trubey teaches of statistically tracking instances of served content; and, determining when a particular one of said served content has not been served as often as indicated by said statistical trackings (Paragraph 0168. Click-through rate is below historical click through rate.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine that content block has occurred as taught by the suggested system when a particular one of said served content has not been served as often as indicated by said statistical trackings as taught by Trubey. The motivation for the suggested combination is that Trubey's teachings would improve the suggested system by providing statistics and status to assist a merchandiser in selecting pages to merchandise (Paragraph 0161).

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnargy and Serena, in view of Howerton, III et al. US Publication #2001/0049701 (Howerton hereinafter).

As per claim 8, Gnargy teaches the method of claim 7, wherein said formulating step comprises the steps of: encoding a string based upon a uniform resource identifier (URI) in said reference (col. 8, lines 4-15. Generate a domain name similar to actual domain name.); recording a simulated path and a correlation to said reference in an alias table for use when de-referencing said URI into said simulated path (col. 9, lines 15-17. Table with arbitrary name and corresponding actual domain name.). Gnargy does not specifically teach of interspersing at least one file system delimiter in said encoded string to generate a simulated path to said supplemental content; and combining a network address for a local file system with said simulated path.

Howerton teaches of inserting a path to a string to supplement content and combining a network address for a local file system with a simulated path (Paragraph 0031. Identify a path in a directory to service ads.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to intersperse at least one file system delimiter in said encoded string to generate a simulated path to said supplemental content; and combine a network address for a local file system with said simulated path. The motivation for the suggested combination is that Howerton's teachings would

improve the suggested system by providing a reference to a specific advertisement file and enabling access of different ad servicing programs.

As per claim 20, Gnargy teaches the machine readable storage of claim 19, wherein said formulating step comprises the steps of: encoding a string based upon a uniform resource identifier (URI) in said reference (col. 8, lines 4-15. Generate a domain name similar to actual domain name.) and recording said simulated path and a correlation to said reference in an alias table for use when de-referencing said URI into said simulated path (col. 9, lines 15-17. Table with arbitrary name and corresponding actual domain name.). Gnargy does not specifically teach of interspersing at least one file system delimiter in said encoded string to generate a simulated path to said supplemental content; combining a network address for a local file system with said simulated path; and,

Howerton teaches of inserting a path to a string to supplement content and combining a network address for a local file system with a simulated path (Paragraph 0031. Identify a path in a directory to service ads.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to intersperse at least one file system delimiter in said encoded string to generate a simulated path to said supplemental content; and combine a network address for a local file system with said simulated path. The motivation for the suggested combination is that Howerton's teachings would improve the suggested system by providing a reference to a specific advertisement file and enabling access of different ad servicing programs.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2454
/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454